## REMARKS

The claims of the present application have been made subject to a restriction requirement wherein ten distinct and independent invention are allegedly included in the 25 claims submitted for examination in this application. Applicants have elected, with traverse, the invention denoted as Group II, encompassing Claims 1-7, 11-13 and 14, drawn to a method of treating squamous cell carcinoma with the compound of Formula (I), as set forth in Claim 1, wherein R is $C_1$-$C_6$ alkyl optionally substituted with the substituents mentioned therein.

At the outset applicants assume that the Official Action meaning of R was truncated therein and that, in addition to $C_1$-$C_6$ alkyl, aryl and arylalkyl was intended. If this is not the case then the restriction requirement will exclude a significant portion of applicants' invention, albeit limited to the invention of Group II. In addition, applicants emphasize that optional substitution of the aryl or arylalkyl group, with any of the substituents recited in Claim 1, is within the scope of the invention.

Applicants also object to the suggested limitation of the meanings of $R_1$ and $R_2$, together with the nitrogen atom to which they are bonded. In the Official Action, it is stated that $R_1$ and $R_2$, together with the nitrogen atom, form piperizine. If this were the case, all the other heterocyclic or heteroaryl groups within the contemplation of the present application would be excluded. Obviously, many other heterocyclic and heteroaryl groups are within the contemplation of the present invention, even if the present application is limited to the invention defined by Group II.

It is furthermore emphasized that the summary of the Group II invention mentioned in the Official Action fails to recite that the heterocyclic or heteroaryl groups, formed by $R_1$ and $R_2$

together with the nitrogen bond to which they are bonded, may be substituted with one or more of the substituents recited in Claim 1.

Applicants assume that the omissions discussed above were unintended given the remarks made in the Official Action that the summary of the ten inventions were exemplary and that a precise listing of the inventive groups is not provided in the Official Action.

Applicants also submit that Claim 8 is within the contemplation of Group II. This is so insofar as Claim 8 encompasses the meaning of R being $C_3$-$C_6$ cycloalkyl, optionally substituted with a straight or branched $C_1$-$C_6$ alkyl group. The election of Group II clearly encompasses the meaning of R being $C_1$-$C_6$ alkyl optionally substituted. The generic nature term "$C_1$-$C_6$ alkyl" encompasses, as a subspecies, $C_3$-$C_6$ cycloalkyl. There is no basis for restricting out of the invention of Group II, this subgenus of the elected genus. If this interpretation is contested applicants will, in response to an Action on the merits, amend Claim 1 to include ($C_3$-$C_6$)cycloalkyl. This point is emphasized in view of the fact that that meaning of R is particularly preferred.

Applicants respectfully traverse the restriction requirement imposed in the outstanding Official Action. The instant restriction requirement is made under PCT Rules 13.1 and 13.2, since this application is a national phase of an international PCT application. As stated at 37 C.F.R. §1.475(b), a national stage application containing claims of different categories of invention are considered to have unity of invention if the claims are drawn only to ... (3) a product, a process specifically adapted for the manufacture of the product and a use of the product. Applicants submit that the claims of the present application meet this criterion.

Claims 1 to 14 are directed to a method of treatment of cell proliferation disorders associated with an altered cell dependent kinase activity. These claims, in effect, are directed to

the use of a product, the product being a compound, specifically a 3-ureido-pyrazole derivative, having the structural Formula I. Claims 15-20 are directed to that product, the 3-ureido-pyrazole derivative, having the structural Formula (I). Claims 21 and 22 are directed to a process for preparing that 3-ureido-pyrazole derivative product. It is noted that Claim 23 is another claim defining the product, a pharmaceutical composition which includes, in addition to the 3-ureido-pyrazole derivative product, at least one pharmaceutically acceptable carrier and/or diluent.

It is emphasized in passing that the further restrictions imposed in the outstanding Official Action, predicated upon meanings of radicals of the 3-ureido-pyrazole derivative, are not a proper category for imposition of an absence of inventive unity, as indicated by 37 C.F.R. §1.475(b).

In view of the requirement that the present application be examined for unity of invention under 37 C.F.R. §1.475, applicants submit that the restriction requirement imposed in the outstanding Official Action is improper and should be rescinded.

Applicants now address the specific basis for imposition of the restriction requirement of record. The Official Action, presumably relying on 37 C.F.R. §1.476(d), states, at Page 4 of the Detailed Action of the outstanding Official Action, that there is a lack of unity of invention because the technical features corresponding to the claims are considered to be the 1,2-diazole and the urea at the three position of the 1,2-diazole. The Official Action concludes that these technical features are not special technical features because they fail to define a contribution over the cited prior art, as can be seen by Vogel et al., Helvetica Chimica Acta, 58, Fasc. 3 (1975) – Nr. 86, 761-771 or U.S. Patent 6,043,246 to Fukani et al.

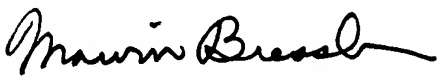
Applicants respectfully traverse these observations and conclusions. The Vogel et al. and Fukani et al. disclosures differ from the present invention in that they relate to pyrazole

derivatives which include a methyl group or an aryl or a heteroaryl moiety. Neither of these disclosures include cycloalkyl as a meaning of R. Accordingly, this preferred species distinguishes the compounds of the present application from those of Vogel et al. or Fukani et al.

As a related point to the particularly preferred nature of the embodiment of the claimed method wherein R in the 3-ureido-pyrazole derivative is cycloalkyl, applicants note that the Official Action allows them to elect a preferred species. To the extent that such an election is appropriate, applicants elect a compound having the structural formula I where R is $C_3$-$C_6$ cycloalkyl. All the claims of this application read on this species election.

The above remarks establish the unitary nature of all the claims currently in this application. Prompt examination, followed by Notice of Allowance and passage to issue of all the claims currently in this application, Claims 1-23 is respectfully solicited.

Respectfully submitted,



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